

Translation

PATENT COOPERATION TREATY

PCT/DE2003/000696



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R. 304251 Vogt/Da	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/000696	International filing date (day/month/year) 04 March 2003 (04.03.2003)	Priority date (day/month/year) 23 September 2002 (23.09.2002)
International Patent Classification (IPC) or national classification and IPC B60R 21/01		
Applicant ROBERT BOSCH GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 24 July 2003 (24.07.2003)	Date of completion of this report 13 December 2004 (13.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-8, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.

☒ the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-3, filed with the letter of 08 June 2004 (08.06.2004),
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/6-6/6, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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The amended claim 1 submitted with the letter of 8 June 2004 fails to meet the requirements of PCT Articles 19(2) and 34(2)(b) because the subject matter of the amended claim goes beyond the subject matter disclosed in the description.

The passage in the description (page 5, line 6 ff.) cited by the applicant as proof of disclosure describes the mode of operation of a system with reference to figure 2. It seems that the wording of the amended claim is a generalization of the process described there: the description states *inter alia* that it is determined "which of the two speeds of the left and the right upfront sensors is maximum". The claim mentions only a maximum (which does not necessarily have to be the same) of the two signals (the reference to speed is missing here).

This passage also does not disclose how the signals and thresholds behave with two-step retaining means.

A substantive examination of the amended claim is therefore not possible. The international preliminary examination report is therefore based on the originally submitted version of the claims (PCT Rule 70.2(c)).

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims		YES
	Claims	1 - 4	NO
Inventive step (IS)	Claims		YES
	Claims	1 - 4	NO
Industrial applicability (IA)	Claims	1 - 4	YES
	Claims		NO

2. Citations and explanations**Documents**

This report makes reference to the following search report citations:

D1: DE-A-19955559

D2: DE-A-10010905

D3: EP-A-0987151

Novelty and inventive step

Claim 1 fails to meet the requirements of PCT Article 33(2) for novelty because D1 discloses all the features of the claim.

In particular D1 discloses a (the references in parentheses are to D1):

system for controlling retaining means, said system having a control device situated centrally in the vehicle, which control device has at least one acceleration sensor (figure 2: 14, 16, abstract) and at least one upfront sensor (17, 19 in figure 2, also abstract) and is configured in such a way that it controls the retaining means when respective derived

signals of the at least one acceleration sensor and the at least one upfront sensor exceed respective thresholds (this is always the case, optionally the threshold is 0; see also abstract), wherein the control device modifies the respective thresholds as a function of the at least one upfront sensor (also in the abstract).

D2 and D3 are also prejudicial to the novelty of the subject matter of claim 1 (see in particular the passages cited in the search report).

The features of the dependent claims are also known from at least D1. For claim 2, see, for example, figure 3, signal 74; for claim 3, column 3, line 50 ff.; and for claim 4, *inter alia*, figure 1, filter 42, 43, 33, 35.

D2 and D3 also disclose some of the features of the dependent claims (see passages cited in the search report).

Further defects in the application:

1. In order to meet the requirements of PCT Rule 6.3(b), claim 1 should be drafted in the two-part form, according to which the features known from the prior art should be placed in the preamble (PCT Rule 6.3(b)(i)) and the remaining features specified in the characterizing part (PCT Rule 6.3(b)(ii) and PCT International Preliminary Examination Guidelines, Chapter III, paragraph 2.3a).
2. Contrary to PCT Rule 5.1(a)(ii), the description does not cite the relevant prior art.

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3. The term "the speed signals" (claim 2) has not yet been defined at this point and the indefinite article should therefore be used (PCT Article 6).
4. Claim 4 contradicts the description. The description states that the filter used is a low-pass filter which, as the name suggests, allows low frequencies to pass through.
The claim, by contrast, describes the filtering as "up to 100 Hz", which, according to general understanding, can only mean 0 to 100 Hz. This corresponds to a high-pass filter.